

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

JAMES W. OWEN

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Crim. No. 1:12-CR-135-LO



STATEMENT OF FACTS

Had this matter gone to trial, the United States would have proved the following beyond a reasonable doubt through witnesses, testimony, and other competent and admissible evidence:

1. On or about November 9, November 10, and November 29, 2011, an FBI undercover law enforcement officer ("UC Agent") used a law enforcement tool to review a list of user names and Internet Protocol ("IP") addresses that appeared to be sharing, via a peer-to-peer (P2P) file sharing network, child pornography images and/or videos.
2. The law enforcement tool indicated that a specific computer with IP address 76.114.203.248 (hereinafter "Subject IP") was online sharing child pornography images and/or videos on November 9, November 10, and November 29, 2011. A review of the names of the files being shared contained terms indicative of child pornography, including "preteen," "pedofilia," and "pthc."
3. On November 9, 2011, the UC Agent connected directly to the computer with the Subject IP address and downloaded seven videos containing child pornography. One video titled "(Pthc) Tara brand New.AVI" depicts an adult male engaged in anal sex with a prepubescent female. He later inserts a phallic object into her anus and proceeds to continually remove and insert the object for a short period of time. Later in the video the prepubescent child performs

oral sex on the adult male.

4. On November 29, 2011, the UC Agent connected directly to the computer with the Subject IP address and downloaded two videos containing child pornography. One video titled "Pedo (Pthc) – Compilation Cumshots, Creampies (Hussyfan) (pthc) (r@ygold) (babyshivid).mpg" depicts a naked adult male masturbating above the face of a naked female child who appears to be prepubescent. The male ejaculates on the child's face and into her mouth.

5. An administrative subpoena return from Comcast revealed that the Subject IP Address during the three undercover sessions was assigned to Defendant James Owen at his place of residence in Woodbridge, Virginia, within the Eastern District of Virginia.

6. Based upon the foregoing information, FBI agents executed a search warrant on Defendant's residence on or about December 16, 2011. Defendant was present during the execution of the search warrant and agreed to speak with FBI agents.

7. During the interview, Defendant admitted to downloading child pornography.

8. Defendant also admitted to using peer-to-peer software programs Limewire and Frostwire.

9. Pursuant to the search warrant, agents seized several computer devices.

10. Forensic analysis of the computer devices revealed that Defendant downloaded and saved child pornography into various electronic folders containing his name, including "Users/jimowen1/LimeWire/Saved" and "Users/jimowen1/Misc/Frostwire/Download."

11. Over 15,000 images and 750 videos of child pornography were recovered from Defendant's electronic folders.

12. For example, Defendant saved several still images titled "BabyShi-Helpless" in his "user/jimowen1/misc/Limewire" electronic folder. The series of still images depict a naked female toddler with her ankle tied up with rope leaning over a small table, exposing her buttocks. In one image, a naked adult male digitally penetrates her anus. In a subsequent image, the adult male inserts his penis into her anus. In a later image, the adult male ejaculates on her buttocks.

13. Defendant also saved one video file titled in part "(Pthc) (Vicky)-Pedofilia Part1-Suck.mpg" showing a prepubescent minor female known as "Vicky" performing oral sex on an adult male. "Vicky" is a minor victim known to law enforcement and the visual depictions of her sexual abuse were produced in Oregon and Washington. The "Vicky" video was saved in the electronic folder titled "Users/jimowen1/Misc/FrostWire."

14. Forensic analysis of the computer devices also revealed various search terms used to obtain child pornography including "pthc vicky," "pthc stories," "childrensex," and "slut pedo."

15. Forensic analysis also revealed numerous text files containing stories about the sexual abuse of children, including fantasies concerning incest between a father and young daughter. The text files were also recovered from Defendant's electronic folders.

16. Defendant knowingly possessed child pornography on or about December 16, 2011 within the Eastern District of Virginia.


17. In all instances described above, Defendant possessed child pornography knowingly and intentionally, and not by accident or mistake.

18. Defendant James Owen and the United States agree that this Statement of Facts shall be admissible as a knowing and voluntary confession in any proceeding against Defendant regardless of whether the plea agreement is presented to or accepted by a court. Moreover,

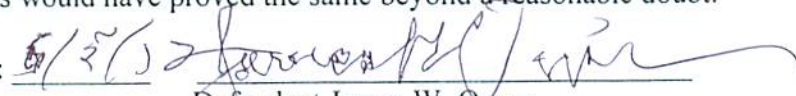
Defendant waives any rights that he may have under Federal Rule of Criminal Procedure 11(f), Federal Rule of Evidence 410, the United States Constitution, or any federal statute or rule in objecting to the admissibility of this Statement of Facts in any such proceeding.

Respectfully Submitted,

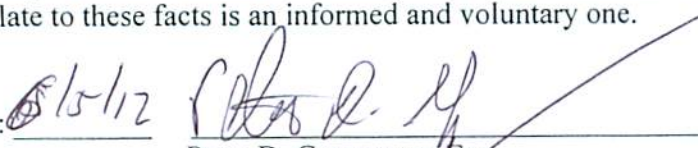
NEIL H. MACBRIDE
UNITED STATES ATTORNEY

By: 
Maureen C. Cain
Special Assistant United States Attorney

Defendant's Signature: After consulting with my attorney and pursuant to the plea agreement between Defendant James W. Owen and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

Date: 5/3/12 
Defendant James W. Owen

Defense Counsel Signature: I am counsel for Defendant James W. Owen in this case. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

Date: 5/15/12 
Peter D. Greenspun, Esq.
Counsel for the Defendant